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To: Microsoft ATR
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Subject: Microsoft Settlement

My name is Thomas Valerio. I've been a professional programmer for more than 20 years now, a large part of that spent as a systems programmer working on an operating system used by the University of Michigan. In the late 80's the University of Michigan made the determination that it was no longer in the best interest of the university to put a large amount of effort into operating system development and made a determined effort to migrate off of the operating system that it had helped develop. In the summer of 1996 that migration was substantially completed and the university ceased all non-commercial operating system operation and development. As an active developer of that operating system I was clearly at a crossroads in my career, in retrospect I realized that my concern for my future was not tied specifically to the operating system that I had spent so much of my professional life working with, but that I was unlikely to see the inside of another operating system unless I went to work for a commercial operating system company. After 20 years in a university environment, I felt that that was clearly an unlikely option. It was around this time that I discovered Linux. In the 6 years that have passed since then the computing landscape has changed dramatically. In particular Microsoft has developed from a major player into a monopoly and we have arrived at the point where it has no viable commercial competition. It does, however, have the possibility of some very serious competition in the form of Linux, and the support of the legions of individuals that quietly and persistently move Linux and other open source projects forward. In order for that competition to flourish however, it must have the blessing of the court. While I certainly am aware of the genesis of the current anti-trust case with respect to Netscape, the fact is that that particular battle has been lost and like Humpty Dumpty and the Kings Men, there is nothing that the court can do about it. So, to get to the heart of my point, the most disappointing aspect of the Proposed D.O.J. settlement is that when the possibility of serious competition from Linux and Open Source looks the most promising, the proposed settlement is silent with respect to non-commercial solutions, which are clearly the only real, viable competition in sight. There are clearly many other aspects of the proposed judgment that argue for its rejection by the court and I would like to express my support for most of them as well. I accept the fact that this has been an extremely difficult case and a very drawn out process, however I think the court

has an obligation to reject this proposed settlement and failure to reject it will have a serious, detrimental, and long lasting negative impact on the entire software business. I apologize for a less than elegant presentation of my argument, others have written far better on this subject than I, and I want to thank the court for considering my opinion.

Thomas Valerio